

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SEAN RIKER,

Plaintiff,

v.

GOVERNOR TONY EVERS

Defendant.

ORDER

Case No. 21-cv-756-jdp

On December 6, 2021, the court entered an order denying plaintiff Sean Riker's motion for use of release account funds to pay the entire filing fee in this case and provided plaintiff an extension of time, until December 21, 2021, to submit either the \$402 filing fee or a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint in support a request to proceed without prepayment of the filing fee. Now plaintiff has filed a motion for reconsideration of that order. Plaintiff's motion for reconsideration for use of his release to pay the entire \$402 filing will be denied for the reason stated in the December 6 order. For this case to proceed, plaintiff must pay the \$402 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than January 11, 2022.

Plaintiff also requests a 75-day extension if the motion for reconsideration is denied. Instead, plaintiff may have a three-week extension to submit the \$402 filing fee or a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint in support a request to proceed without prepayment of the filing fee.

ORDER

IT IS ORDERED that,

1. Plaintiff Sean Riker may have until January 11, 2022 to submit the \$402 filing fee or a motion for leave to proceed without prepayment and a trust fund account statement for the period beginning approximately May 30, 2021 and ending approximately November 30, 2021. If, by January 11, 2022, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.
2. Plaintiff's motion for reconsideration for use of release account funds to pay the entire filing fee in this case (Dkt. #5) is DENIED.

Entered this 15th day of December, 2021.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge